

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.793 OF 2004
IN
NOTICE OF MOTION NO.3618 OF 2004
IN
SUIT NO.3544 OF 2004

1. Ashfaqe Ul Haque Khan & anr.

Appellants

vs.

1. Brihanmumbai Municipal Corporation
& anr.

Respondents

Mr.V.S.Kotwal, senior counsel with Ms.M.V.Thakkar i/b.
M/s.Gordhandas & Fozdar for the appellants.

Mr.Vinod Mahadik for the respondent no.1.

**CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.**

DATED : 16th December 2004

P.C.

Heard Mr.V.S.Kotwal, the learned senior counsel for
the appellant and perused the order dated 2nd December
2004 passed by the learned motion Judge.

2. The learned motion Judge has considered the
available material at quite some length and reached the
prima facie finding that the construction of the subject
premises was made after the year 1996. The prima facie
finding is supported by the reasons and the
consideration of the matter does not suffer from any
legal infirmity warranting interference by us in appeal.

3. Dismissed in limine.

4. Oral prayer for stay is rejected.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)